

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Citron, et al.

Serial No.: 09/277,229

Group Art Unit No.: 1652

Filed:

March 26, 1999

Examiner: Manjuanath N. Rao

For:

Beta Secretase Genes and Polypeptides

Docket No.: A-581

## **DECLARATION UNDER 37 CFR 1.131**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Martin Citron, Ph.D., declare that:
- 1. I have been employed by Amgen Inc. since 1997 and currently hold the title of Associate Director II;
- 2. I am an applicant of the referenced patent application and a co-inventor of the claimed subject matter set forth therein;
- 3. I have reviewed the Official Action directed to the referenced patent application dated January 24, 2003, and I understand that the claims have been rejected under 35 USC 102(e) as lacking novelty in view of SEQ ID Nos: 4 and 8 disclosed in U.S. Patent Nos. 6,420,534 B1 and 6,440,698 B1. I understand that the '534 patent and the '698 patent both have a priority date of 24 September 1998.
- 4. I was the head of the beta-secretase project at Amgen at the time the invention as claimed in the referenced patent application was made;
- 5. I worked together with the other named inventors and their assistants to identify the beta secretase gene and polypeptide;
- 6. A true copy of the human beta secretase DNA sequencing data we obtained, together with a translation of such DNA in all 3 reading frames is attached hereto as Exhibit A and the true and correct sequence of beta secretase is set forth in the second reading frame, with the start and stop positions indicated.



7. Although the dates have been redacted in Exhibit A, the data set forth therein was all obtained prior to September 24, 1998.

I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 USC 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Martin Citron, Ph.D.

7/18/2003

Date

Please send all future correspondence to:

US Patent Operations/NAO Dept. 4300, M/S 27-4-A AMGEN INC. One Amgen Center Drive Thousand Oaks, California 91320-1799 (Linear) MAF of:

B.Bennett INA=HEKCC4CO8-C3 Assembled by CS

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I + V T L + N I H F A F L S T G V H S - F R \* H Y R I T S T L P F S P Q V S T P -

HincII SimI ACCI: EcoRI TaqI Ordi MmeI | SelI | AflIII | I | HgaI|| MluI AceIII Nru CCAGGTUCAACTGCACCTCGGTTCTATCGCGATTGAATTCGTCGACCCACGCGTCCCCAG 241 ------ 300 GGTCCAGGTTGAGGTGGAGCCAAGATAGCGCTAACTTAAGCAGCTGGGTGCGCAGGGGTC PGPTAPRFYRD\*IRRPQ-'n Q V Q L H L G S I A I E F V D P R V R S -R S N C T S V L S R L N S S T H A S A A -AceIII Smal AvaI Epu10I 301 ------ 360 GGCCGGCCCCTCCACGCTCCACCTAATACCACCGACTCGTCGCGTTGCCTCGC PARELRAASWIMVA \* AANAA æ PPGSCEPRAGLWWPEQPTQP~ b R P G A A S R E L D Y G G L S S Q R S R-C 361 -----+ 420 AGARSPCPCPRRRPPGGPGK a Q E P G A L A P A R A A A R R G D Q G S ā R S P E P L P L P A P P P A G G T R E A-C BerFI 421 ----- 480 a PPPARHARPSQPRREPAPAA R H R P A M P A P P S P A G S P R P L P b ATGPPCPPLPAPPGARARCP-· ¢ BamHI EstYI BsaWI EspEI BscGI CACCURCOCCOCCOCTCOCCATGUAGOGGGCTCCCGATCCCAGCCTCTCCCCGCTCC

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a b c	GREGSFVEM	G Q P E G Q V G A G - V D N L R G K S G Q G -? W T T * G A S R G R A-
	961	MslI BciVI  HgaI         TOCCOCCAGAGACGCCUAACATAC TOCCOCCCAGACTCTACGACCACCTATG
a b c	V V V E M T V G S	PPADAQHPSGY- PPQTLNILV <b>EDENG</b> PPRRSTSWWIQ-
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	2362	CGAAACACCACGAAACGGGGAAACGGGGAGACTICACGACCGACACACTICACGACCGACACACTICACGACCGACACACACTICACGACCGACACACACACACACACACACACACACACACA	3,20,
a S C		A L W C W L P P Q P V * S A G L C R R E - L G G A G F P L N Q S E V L A S V G G S - F V V L A S P S T S L K C W P L S E G A -	
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a b c		H D H W R Y R P L A V H R Q S L V Y T H - M I I G G I D H S L Y T G S L W Y T P I - * S L E V S T T R C T Q A V S G I H P S -	
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	1501	GCCCCCCCCCACATAATACTCCACTAGTAACACGCCCACCTCTAGTTACCTCTAGA	560
a b c		PAGVVL*GDHCAGGDQWTGS-RREWYYEVIIVRVEIN-GQDL-GGSGIMR*SLCGWRSMDRI*-	ą
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	1561	CAAAATGGACTGCAAGGAGTACAACTATGACAAGAGCATTGTGGACAGTGGCACCAA + 1 CTTTTACCTGACGTTCCTCATGTTGATACTGTTCTCGTAACACCTGTCACCGTGGTGGTT	620
a b c		ENGLQGVQL * QEHCGQWHHQ - KMD KEYNYDKSIV DESCENTEN.	7
		TthlllII PStI BSERI	<b>5</b> 20
	1621	GGAAGCAAACGGGTTCTTTCACAAACTTCGACGTCAGTTTAGGTAGTTCCGTCGCACGAG	680
a b c		PSFAQESV*SCSQIHQGSLL- LRLPKKVFEAAVKSIKAASS FVCPRKCLKLQSNPSRQPPP-	1
		BfaI PvuII    ·	

	1681	CADSGADAAGTTOYOTGATGGTTTOTGGGTAGGAGADAAGCTGGTGTGGTGGCAAJACAGG	
	1001	GIGCOIDILCY+COC+UIYCC+Y+C+COCYIRCICIONAG+CCXC+CCCIINAALGC	1 40
ē b c		H G E V P * W F L A R R A A G V L A S R - T E K F P D G F W L G E Q L V  W Q A G - R R S S L M V S G * E S S W C A G K Q A -	- -: -
		PflMI MmnI TthlllII BfiI BstEII	
	1741	CACCACCCCTTGGAACATUTTCCCAGTCATCTCACTCACTACCTAAAAGGGTGACGTTACCAA GTGCTCGGGAAACCTTGTAAAAGGGTCAGTAGACTGAAGTCCAUTACCCACTCCAATGGTT	1860
а .h с		H H P L E H F P S H L T L P N G T G Y Q T T P W N I F P V I S L Y L M G E V T N - P P L G T F S Q S S H S T * W V E I P T	. ·
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	1801	CCAGTCCT'ICCGCATCACCATCCTTCCGCAGCAATACCTGCGGGGGGGG	L860
a D C		PVLPHHHPSAAIPAASGRCG - QSFRITILPQQYLRPVEDVA - SPSASPSFRSNTCGQWKMWP-	- -`
	1361	AceIII  BSCGI   Msli  CACGTCCCAAGACGACTGTTACAAGTTTGCCATCTCACAGTCATCCACGGGCACTGTTAT  GTGCAGGGTTCTGCTGACAATGTTCAAACGGTACAGTGCCCGTGACAATA	L920
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a b c		G S C Y H G G L L R C L * S G P K T N W - G A V I M E G F Y V V F D R A R K R I G - E L L S W R A S T L S L I G P E N E L A-	. :
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	2341	GACCACCICACGACCCICCCACCCACAMICCCICIDCCITIGATICAGGAGAAAAGG  CICCIGGAGGAGGGAGGGIGGGIGGGITTACGGAGAACIACCTCITICCTITICC
a b c		E H L R T L P T H Q M P L P * W R R K R + S T S G P S P P T K C L C L D G E G K G - A P Q D P P H P P N A S A L M E K E K A-
	2401	CTGGCAAGGTGGGTTCCAGGCACTGTACCTGTAGGAAACAGAAAAGAGAAGAAGAAGAAGAAGAAGAAGAAG
a b c		L A R W V P G T V P V G N R K E K K E A - W Q G G F Q G L Y L * E T E K R R K K H - G K V G S R D C T C R K Q K R E E R S T-
	2461	ECO57I  BateII Mael Tth111II    CICIGCIGCCGCAATACTCITGGICACCTCAAATTTAAGICGGGAAATTCICCTGCTIG  CICIGCIGCCGCCAATACTCITGGICACCTCAAATTTAAGICGGGAAATTCICCTGCTIG  GAGACGACCCCCTTATGACAACCAGIGGAGFITAAATTCACCCCTTTAAGACGACGAAC
a b c		L C W R E Y S W S P Q I * V G K F C C L - S A G G N T L G H L K F K S G N S A A * - L L A G I L L V T S N L S R E I L L L E-
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	2521	AAACTTCAGCCTGAACCTTTGTCCACCATTCCTTTAAATTCTCCAACCCAAAGTATTCT
a b c		K L Q P * T F V H H S F K F S N P K Y S - N F S P E P L S T I P L N S P T Q S I L - T S A L N L C P P F L * I L Q P K V F F-
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      CGPTTAACCTATAGPTCGA+CCGGCTACCGGGTTC+ACA+ATA+CGTCGAATATTACC
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